

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

STUART PRESSLY,

Petitioner,

v.

F.B. HAWS, Warden,

Respondent.

Civil No. 07cv2364 JLS (RBB)

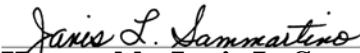
**ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS AS
DUPLICATIVE**

Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. The Petition in this case was filed on December 17, 2007, along with an application to proceed In Forma Pauperis. An identical petition was filed in case number 07cv2315 J (JMA), with an application to proceed In Forma Pauperis, on December 10, 2007. The Court may dismiss a duplicative petition as frivolous if it “merely repeats pending or previously litigated claims.” Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citations omitted). Here, Petitioner has filed two identical petitions with this Court.

Based on the foregoing, the Court **DISMISSES** this case because the Petition in this case is duplicative of that filed in case number 07cv2315 J (JMA). The Clerk shall close the file.

IT IS SO ORDERED.

DATED: December 20, 2007


Honorable Janis L. Sammartino
United States District Judge